

Also, McAllen Independant School District provided the Public Education Information Management System (PEIMS) report tabulating economically disadvantaged students. Please see attachment: **2_2009-2010 PEIMS Fall Eco Dis Adv Report** which shows a 64% total of students eligible for the National School Lunch Program which rates an 80% discount in the E-rate matrix.

III.

Based upon our review of your FY2010 Form 471 application **763740**, it appears that FRN **2069305** is a request for services being provided under contract. The rules of this Program require that a signed and dated contract with the service provider be in place at the time of the submission of the FCC Form 471 certification.

For **FRN # 2069305**, please provide a copy of the contract, signed and dated by the applicant, to verify the Contract Award Date ("CAD"). Failure to provide a signed and dated contract may be cause for denial.

Please see attachment: **3_Insight E-Rate Quote #3.pdf** for copy of contract.

If the contract for the above services is a State Master Contract, you do not have to submit a copy of the signed contract if that contract is available online or has already been submitted to PIA, in connection with the review of another Form 471 application. However, please provide us with the State Master Contract name and number.. If you have already submitted the relevant contract information in connection with another form 471 application review, please provide the FCC Form 471 application number that was involved so we can locate the relevant contract in our files.

In some states, signed and dated contracts are not required under state law or local procurement regulations. If the entity receiving the services under this FRN is located in such a state, please provide supporting documentation demonstrating that this state's contract laws or the entity's local procurement regulations do not require signed and dated contracts. A letter from your state procurement office, a copy of your state's contract laws, or a copy of your local procurement regulations are examples of supporting documentation.

To further assist us in reviewing your Form 471 application, please also answer the following questions:

Is the Form 470 # **601440000802310** referenced on your FY2011 Form 471 application # **763740** the Form 470 that established the bidding process for the services associated with Funding Request Number(s) (FRN) **2069305**? Yes or No.

YES

If No, please provide the following information:

- Please provide the 15-digit Form 470 Number that established the bidding process for the FRN(s). The establishing Form 470 is the specific Form 470 which was posted to the USAC website for a period of 28 days for that particular service and pursuant to which a contract was signed or an agreement was entered into. If the Form 470 has not been certified please include a copy of the signed Form 470 Certification page with your response. Failure to provide a copy of the signed Form 470 Certification page will result in a denial of your funding request.

If Yes, answer the following question:

- You indicated in Block 5, Item 18, of your Form 471 that the Contract Award Date (CAD) for these services was **5/25/2010**. Was the incorrect Contract Award Date entered at the time the FCC Form 471 was completed? **Yes or No.**

Yes, please see attachment: 4_PIA Contract Date authorizing CAD change from 02/19/2010 to 05/25/2010.

If Yes, please provide the following information:

- Provide the correct Contract Award Date.

Along with your supporting documentation, please complete and include the Certification below:

CERTIFICATION

I certify that I am authorized to make the representations set forth below on behalf of **MCALLEN MEMORIAL LIBRARY**, the entity represented on this letter, and am the most knowledgeable person with regard to the information set forth herein. I certify that the contract referenced for Funding Request Number(s) (FRNs) **2069305**, meets my state or local procurement regulations or rules. The Contract Award Date ("CAD") is **5/25/2010** as reflected on the supporting documentation for this contract. I acknowledge that false statements can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the Program.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 21 day of August, 2011 at McAllen, Texas.

Signed _____ Date _____

Print Name Jose A. Gamez

Title Library Director

Employer City of McAllen

Telephone Number 956-688-3300

E-mail Address jgamez@mcallen.net

Address 601 N. Main St.

McAllen, TX

If you are not able to provide these supporting documents, you must instead provide a contract that is signed and dated by the applicant.

For further guidance regarding CADs, please refer to the Schools and Libraries Division website at: Step 4: Select a Service Provider at www.usac.org/sl/applicants/step04/default.aspx.

Jacqueline V. Ortegon

Jackie - Associate Manager

Program Integrity Assurance - (PIA)

Schools & Libraries Division (SLD)

 Tel: (973) 581-5369

 Fax: (973) 599-6538

 Email: jortegon@sl.universalservice.org

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ATTACHMENT 6



RICHARD F. CORTEZ, Mayor
HILDA SALINAS, Mayor Pro-Tem and Commissioner District 3
AIDA RAMIREZ, Mayor Pro-Tem and Commissioner District 4
SCOTT C. CRANE, Commissioner District 1
MARCUS C. BARRERA, Commissioner District 2
JOHN J. INGRAM, Commissioner District 5
JIM DARLING, Commissioner District 6

MIKE R. PEREZ, City Manager

March 30, 2011

Darak Weaver, Representative
Calence LLC dba Insight Networking
6820 S Harl Avenue
Tempe, AZ 85282

CERTIFIED MAIL
7009 1410 0000 2199 7990

RE: Project No. 03-11-P35-01
E-Rate Information Technology Infrastructure Equipment-New Main Library

Mr. Weaver,

This letter serves to officially inform you that the City of McAllen has awarded your company the above referenced Purchase Contract in the amount of \$334,221.30. Kindly use Purchase Order No. 30041 (copy attached) when invoicing the City of McAllen.


Please note that we have current proof of insurance for your company as follows: General Liability: April 15, 2011, Automobile Liability: April 15, 2011, and Worker's Compensation Insurance: April 15, 2011. These insurances must be kept current for the duration of the contract. **(Note: Certificate of insurance must include the City of McAllen as an additional insured and a waiver of subrogation endorsement in favor of the City of McAllen).**

Kindly coordinate this project with Jose A. Gamez, Library Director, or his designated representative, by calling (956) 688-3300 and/or with Rudy M. Juarez, Project Manager, or his designated representative, by calling (956) 681-1123.

I want to take this opportunity to thank you for your participation in our project and for your interest in our great City of McAllen.

If any additional information is needed, please call me at (956) 681-1130.

Respectfully,


Sandra Zamora, CPM,
Director of Purchasing & Contracting

SZ/kz

Attachment: PO #30041

xc: Jose A. Gamez, Library Director
Belinda Mercado, Information Technology Director
Rudy M. Juarez, Project Manager

DATE	03/29/2011	FINAL	VENDOR NO.	110948
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PURCHASE ORDER

NUMBER

00030041

PAGE # 1 of 2

Printed 03/30/2011

V E N D O R	006410 CALENCE LLC DBA INSIGHT NETWORKING 6820 S HARL AVENUE TEMPE AZ 85262
S H I P T O	INFORMATION TECHNOLOGY-CITY HALL 1300 HOUSTON AVENUE MCALLEN TX 78501

CITY OF McALLEN
P O BOX 220
McALLEN TX 78505-0220

VENDOR NOTE

INVOICE IN DUPLICATE TO ABOVE ADDRESS

FEDERAL, STATE, LOCAL, AND USE TAXES
 ARE NOT APPLICABLE TO THIS PURCHASE
 WHICH IS FOR THE EXCLUSIVE USE OF
CITY OF McALLEN

DELIVER BY: I.T. DEPT IS TO PLACE ORDER

ITEM NO.	QUANTITY	COMMODITY NO. STOCK NUMBER CLASS ITEM	CONTRACT #: DESCRIPTION	UNIT PRICE	TOTAL AMOUNT
1	1 EA	204-68 PROJECT NO. 03-11-P35-01 E-RATE INFORMATION TECHNOLOGY INFRASTRUCTURE EQUIPMENT-NEW MAIN LIBRARY EQUIPMENT, EQUIPMENT /SERVICES RACK, CABINETS, & INTERNAL CONNECTIONS 3750X-10/100/1000-PORT POE SWITCHES ACCESS POINTS-INTERNAL WLC 5508-25 WCS SOFTWARE (E-RATE INELIGIBLE) 1524 ACCESS POINTS-EXTERNAL ASA FIREWALL VOICE GATEWAY/ROUTER 2801 ROUTER -(AS PER QUOTE DATED 3/7/11-E-RATE ROUND 13)-		\$233,879.08	\$233,879.08
2	1 EA	204-68 EQUIPMENT, UPS EQUIPMENT (PARTIAL E-RATE ELIGIBLE) SERVICES-INSTALLATION & TRAINING (PARTIAL E-RATE ELIGIBLE) -(AS PER QUOTE DATED 3/2/11- E-RATE ROUND 13 BEAR, SOLUTION NO. ISX753433-007, COMPLETE SOLUTION)-		\$100,342.22	\$100,342.22
INSURANCES ON FILE IN PURCHASING & CONTRACTING: GENERAL LIABILITY EXPIRES: 4/15/11 AUTOMOBILE LIABILITY EXPIRES: 4/15/11 WORKERS COMPENSATION EXPIRES: 4/15/11 WAIVER & ADDITIONAL INSURED INCLUDED					
TOTAL					\$334,221.30

DATE	APPROVED FOR PAYMENT	FINAL APPROVAL - PURCHASING AGENT
IS THIS A PARTIAL PAYMENT?		
YES	NO	

***NOTICE: *** City or its duly authorized agent shall have access to any books, documents, papers, and records of vendor for purpose of making an audit if there is suspicion of any irregularities involving vendor or his agent.

COPY 1 - USING DEPARTMENT / RECEIVING DEPARTMENT

Summary: Form 471 funding request was for eligible services tied to the construction of the new McAllen Public Library project awaiting funding approval and award of contract. City of McAllen purchasing rules dictate that funding and City Commission approval be secured prior to entering into a binding contract. Form 471 filing deadline was February 12, 2010. Funding in the form of Certificates of Obligation for the construction project was approved by the City Commission on May 10, 2010 (see Attachment 1) and permission to enter into E-rate contract was granted on May 24, 2010 (see Attachment 2). Contract was signed by City Management and Service Provider on May 25, 2010 (see Attachment 3). Construction of the new McAllen Public Library began on June 21, 2010. The Program Integrity Assurance (PIA) team requested additional information between May 2010 and July 2011. All requests were fulfilled. A PIA review form dated July 9, 2010, indicated "based on the documentation that you have provided we intend to modify application 763740, FRN 2069305 to change the contract award date. The contract award date has been changed from 02/19/2010 to 05/25/2010" (see Attachment 4). On August 21, 2011, a signed and certified email in response for additional information included the request to change Contract Award Date from February 19, 2010 to May 25, 2010 (see Attachment 5). City issued Award Letter to FRN 2069305 Service Provider Calence, LLC, on November 7, 2011 (see Attachment 6). Installation of requested services has begun at the construction site.

Basis for Requesting a Waiver: McAllen Memorial Library followed the City of McAllen purchasing regulations and delayed signing the contract until approval of the Certificates of Obligation funding was secured for the construction project. Once funding was secured, permission was sought and granted by the City Commission to enter into the E-Rate contracts. During the PIA review process, lack of signed contract was acknowledged and permission was sought and granted to amend contract date from February 19, 2010 to May 25, 2010. The reason for requesting a waiver is that the City assumed that by signing the request to change Contract Award Date brought us into compliance with USAC rules.

Impact of this Denial: This denial represents a fiscal loss to the City of McAllen for the eligible services requested for the new McAllen Public Library. Without the E-Rate discount, the construction project may end in an over-budget status. Due to the circumstances described, we believe this Request for Waiver of a USAC regulation is a valid one, and approval of this Waiver is reasonable and in keeping with the overall goals of the E-Rate program.

Sincerely,

Mike R. Perez, City Manager

cc: Brent Branham, Deputy City Manager
Jose A. Gamez, Library Director
Carla M. Rodriguez, Grant Director
Teclo Garcia, Governmental Affairs Director
Darak Weaver, Account Manager, Calence, LLC

Attachments